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4 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 JON FLEMING, individually,

7 Plaintiff,

8 v.

9 STATE OF WASHINGTON DEPARTMENT
10 OF CORRECTIONS, SGT. JOHN DOE
11 TACKETT, CORRECTIONS OFFICER JOSE
12 PORRES, CORRECTIONS OFFICER JOHN
DOE VAN OGLE, LT. JOHN DOE
HAYWARD, C. MAY, DOUGLAS
WADDINGTON, AND JOHN DOES 1-10,

13 Defendants.

Case No. C07-5246FDB

ORDER GRANTING LEAVE TO
FILE RESPONSE

14 The Court granted summary judgment for defendants by order entered September 11, 2008.
15 Plaintiff moves for reconsideration arguing that the tolling provisions of RCW 4.92.110 apply to his
16 state law claims against the individual defendants. Without showing that he actually did file a claim,
17 Plaintiff contends that he "simply could not have filed his state law claims agains[t] the individually
18 named defendants without having first file[d] a claim." (Mtn for Reconsideration p. 2)

19 Defendants are granted leave to file a response to Plaintiff's motion by no later than
20 Thursday, September 25, 2008; Plaintiff may file a reply by Monday, September 29, 2008.

21 DATED this 19th day of September, 2008.

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24 FRANKLIN D. BURGESS
25 UNITED STATES DISTRICT JUDGE
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